

## ENID LAYES

Enid Layes is a Washington State government relations consultant with extensive background in association management, coalition issue management, political education, and political advocacy. Enid has worked with several statewide business associations, private companies, and educational institutions—and has been a leader in collaborative efforts with organized labor, local governments, environmental organizations, and state agencies. She is a veteran of dozens of policy debates, from health care reform and unemployment insurance to the Growth Management Act and transportation funding.

Enid's consulting firm, Blue Skies, combines a strong commitment to the development of good public policy with expert facilitation skills. Enid brings 25 years of experience and leadership to special interest groups who seek to fully understand the legislative process, develop achievable public policy objectives, or become effective political advocates.



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<b>Interview with:</b>	<b>Enid Layes</b>
<b>Date:</b>	<b>August 4, 2005</b>
<b>Interviewed by:</b>	<b>Diane Wiatr</b>
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### **Tape 1, Side 1**

**Diane Wiatr:** This interview is with Enid Layes and is about the history of Washington State's Growth Management Act (GMA). The date is August 4, 2005, and the interview is taking place at the Washington State Department of Community, Trade and Economic Development (CTED) in Olympia. My name is Diane Wiatr, and I will be interviewing Enid today.

**Diane:** Enid, can we start out by you telling us what your position was at the Association of Washington Businesses (AWB) in the late 1980s?

**Enid Layes:** I was the vice president of AWB in charge of governmental affairs.

**Diane:** And what did that mean?

**Enid:** That meant that I was responsible for the lobbying program at AWB: hiring, firing, and supervising the lobbying staff and working with the lobbyist members of AWB to coordinate the efforts of the business community on legislation.

**Diane:** Tell us a little about the Association of Washington Business.

**Enid:** AWB is the statewide organization that represents business. At the time—I don't know what the current membership is—but at the time that I was there which was 1988 to 1993, we had about 3,500 members. Almost the entire large business community were members, although the majority of the members were what we'd consider small businesses, of 50 employees or less.

**Diane:** And this was Eastern and Western Washington?

**Enid:** The entire state.

**Diane:** What interest did AWB have in land use planning and growth management before the GMA?

**Enid:** Not a great deal. There have always been members of AWB—the builders, the realtors, developers,

people that were interested in land use—but I don't recall, at least during my tenure at AWB, that we actually had a huge interest beyond simple environmental impacts and transportation. Obviously, that was always a major issue. Growth management was really a new subject. I mean, it hadn't really ever been addressed before.

**Diane:** Then what put growth management on AWB's radar screen?

**Enid:** Politics. There had been an election a year or two previous where it was determined that an incumbent, a Republican Senator, had lost over a growth issue. That raised the level of awareness among some Republican leaders. At the same time [Speaker of the House of Representatives] Joe King decided that he was sitting in traffic too long and that something had to be done about growth.

The environmental community decided that sprawl was a problem and all of those things came together and created a political environment that made it fairly obvious to us that growth management was going to be the topic of the day. And that the business community had an opportunity to get some things they wanted if they entered into some conversations about the subject.

**Diane:** So what role did you play in the passage of the GMA?

**Enid:** I was responsible for the efforts of the business community and held interminable hours meeting with representatives from a wide spectrum of businesses, actually. Everything from the resort developer who wanted to make sure they had property, to the farmer who wanted to make sure that he could use his land, to the utilities who had an interest in being able to run lines and didn't want a utility tax to pay for growth; builders, realtors, you name it, everybody was interested. AWB has a very broad membership and it was my job to make sure they all stayed on the same page.

**Diane:** When you came to the table representing AWB during negotiations, ideally what were you asking for?

**Enid:** The business community had two things that they wanted. They wanted predictability and certainty. They wanted to know in advance if they could build a particular project in a particular location and be certain that the permit would be issued if they were told that it was going to be forthcoming. Those were the two things that the business community felt, if they could get them, were worth the time and effort to involve themselves in negotiating a law.

**Diane:** And did you get what you wanted?

**Enid:** No.

**Diane:** What did you get? What kinds of concessions were made?

**Enid:** At the time—and the other thing that we wanted was to prevent an initiative (I-547). On the political side, the threat of an initiative from the environmental community was something that we really did not want to engage in, we didn't want to engage in that battle, those are expensive, time consuming battles. We'd much rather deal with the Legislature.

I think that the concessions—there were some concessions made. Ultimately in the end, not enough for us to support the final passage of the bill, which is another story that I'm sure we'll get to.

But I think there were good intentions of giving the business community certainty and predictability. But one of the major centerpieces of that was what we called "programmatic environmental impact statements," in other words, do an impact statement that covers a wide range of not only geography, but issues, and establish that in advance so that if somebody wants to site a Boeing plant—and this was Boeing's major issue at the time—that they would know in advance what they could do and where they could do it and how to get it done. Concessions that were made... It's hard for me to remember specific issues to be perfectly honest, where they

said, “Okay, we’ll give you this if you’ll give us that.”

Most of the final negotiations were done around the table with local government at the request of Joe King. There were a lot of concessions and give and take at that time, but I would be hard-pressed to dredge up some examples for you. My memory just isn’t that good [laughs].

**Diane:** Did you feel like they were interested in hearing from the business community?

**Enid:** Oh, absolutely. You see the thing is, the Republicans controlled the Senate and the Democrats controlled the House. And Jeannette Hayner, who was the majority leader in the Senate, had a one-vote majority and she had a Government Operations Committee chairman, Bob McCaslin, who hated the idea of the GMA. She was an advocate. She thought that if the business community didn’t play and try to get some things that they wanted that the Democrats might run over them on this issue. So she was pressing for it, but we also knew at the same time that she had a chairman who was not and, frankly, she was looking to the business community to help her convince him that, if for no other reason than politics, they needed to do something with this. I’m sure I’m jumping all over your page of questions [laughs].

**Diane:** That’s just fine. You spoke a little bit about the political climate that led to the passage of the GMA. Is there anything else you’d like to say about that?

**Enid:** It was the issue of the day. Joe King made it his centerpiece for two years in a row. He was bound and determined that they were going to get a bill. Booth Gardner was Governor and he certainly supported the idea, was looking forward to signing something. It was a major issue that brought just about every stakeholder that works in Olympia to the party. It was a big deal and it went on for two years.

**Diane:** And wouldn’t you say that the business community as well, saw some of the issues that Joe King was seeing, like the business community was also caught in traffic on I-405.

**Enid:** Oh, absolutely. Everybody recognized that the day to address growth management had come. Other states were doing it, some states like Oregon had done it. I think that the business community recognized that. As I said before, if we came to the table maybe we could craft something that would be good for us too. It was one of those issues that, frankly, comes along once in a while where you’re actually working both offense and defense at the same time; and generally with issues on the hill, you’re either on offense or on defense. This was one where you were really trying to sit down and negotiate some things that everybody could live with.

**Diane:** And how do you think the GMA has influenced the business community today?

**Enid:** I think that today the business community’s extremely frustrated with the GMA. It has not provided predictability or certainty. If anything it has bollixed up the works and made it far more difficult, time consuming, and expensive to do anything.

**Diane:** And how do you see that the GMA could be amended?

**Enid:** We don’t really want to go there do we [laughter].

**Diane:** No, we do, I’m interested in that question.

**Enid:** I dealt with the stakeholders in GMA led by your boss, Leonard Bauer, the last two years. That has been a subject around the table, amongst all the stakeholders. The GMA has become such a monster—and by that I don’t mean something bad—but just so big and so difficult to manage at the local level. Coming back now and trying to amend it with all stakeholders getting together again has become nearly impossible.

One of the big issues that remains today that wasn’t in the original bill is “best available science.” What does it mean? How do we use it? How do we know when we have it? How do we defend our decisions around

it? That is a huge issue on the critical areas ordinances.

The other thing about the GMA that the business community really stressed and probably the one thing that got Republican votes in the Senate for it, was that we insisted that everything should be controlled at the local level—that everything should be done from the ground up. And you have to remember that the original bill and our intent all the way along was to apply it only to those large, fast-growing counties.

A problem arose when so many smaller jurisdictions decided to opt in because they had dollar signs in their eyes. And now you have people doing it that, number one, don't want to anymore, or two, don't have the resources to do it correctly. So, it's just a monster that grew way beyond its original intent. It's far more complex, has some missing pieces, things that are unclear about it and just doesn't work like everybody hoped it would.

**Diane:** When you sit down to discuss these issues with Leonard Bauer are you representing AWB still?

**Enid:** No, no, no. I left AWB in 1993. No, I do public policy facilitation work as a consultant. I have no advocacy role.

**Diane:** What kind of pressure do you think there was from the public to create a growth management strategy?

**Enid:** I don't think there was any. I really don't, that's a personal opinion. The growth management initiative that was run by the Washington Environmental Council in 1990...

**Diane:** I-547.

**Enid:** I-547, and it was overwhelmingly defeated. We could point to a lot of reasons for that. I think that the public didn't like sitting in traffic, but there's more traffic today than there was then. I don't think that there was a huge push for the Growth Management Act. I think that it was created in a small political vacuum across the street [the Legislative Building].

**Diane:** What models were used in drafting the Washington GMA?

**Enid:** Tom Campbell did most of the original writing. Tom was Joe King's staff person in charge of this and Maria Cantwell, of course, was the lead for the caucus. They started, as I recall, with Georgia, Florida, and Oregon. These are states that I remember them touting as possible models, and I don't know what pieces of what state laws Tom originally began with, but the bill started with a draft from Tom. Then it was massaged and worked over for the next two years. But they were trying to look at what they considered—and by "they," I mean Joe and his caucus with Maria and Tom was my recollection—trying to look for a way to adapt another law from another state into Washington that would work here.

**Diane:** And was the AWB also looking at other models?

**Enid:** Nope. Not beyond those states.

**Diane:** I have a question about the Steel Magnolias.

**Enid:** Oh, sure.

**Diane:** So, getting all these committee chairs together is highly unusual. Why did Joe King do that?

**Enid:** He had to. The GMA is so broad, and as I recall, there's six or seven elements. There's a Land Use Element and a Transportation Element and environmental elements. All of these elements that have to be included in a plan and all of those elements had issues in seven or eight different committees. It just happened that the chairs of those committees were women at the time.

Jennifer Belcher had natural resources. Well, she was really interested in natural resources of statewide significance and how are we going to protect the forests. Then you had Mary Margaret Haugen who had local

government—well, my goodness, she had a huge interest. And Busse Nutley had housing and what were we going to do about making sure there were enough houses for people to live in and the density issues...

There were all of those issues that those six women, as chairs of committees, dealt with in their committees. There was no way that he couldn't include them in the process. He had to do that. I'm sure there were times when it was very frustrating for Joe. It's always much easier the fewer people you have to deal with—the easier your life, but I remember a conversation I had with the speaker when I explained to him that he had a caucus of members to deal with and the six women chairs. And as the person who was on lead for the business community, I had a huge caucus to deal with and at least seven or more major leaders to deal with that had issues too. So that we were very much in the same situation, and somehow trying to get all these people to a place where they were comfortable was not going to be an easy task.

**Diane:** And Maria Cantwell was chairing the Economic Development Committee?

**Enid:** That's right. She was, I'd forgotten that.

**Diane:** And did you deal with Maria and...

**Enid:** Constantly. Joe put her in charge.

**Diane:** And do have any memories of anything being effective in working with her or...

**Enid:** I think that Maria was trying, and doing a fairly good job through most of it, to make sure that the business community's issues were well understood in the draft. But we never considered Maria a strong supporter of the business community. We didn't think that her allegiance was going to be to us. I'm sure she would say the same. But she worked a lot of hours with us trying to make sure she understood our concerns.

**Diane:** What was the opposition to the GMA and why did groups oppose it? You spoke a little bit about the business community, but can you talk in a broader sense?

**Enid:** The only opposition that I remember in the business community was the Farm Bureau. The Farm Bureau, the Washington State Farm Bureau, absolutely refused from day one to support the enactment of any growth management act. They felt that it was going to be intrusive on farms: that it was going to be not in their best interest long-term. Within the business community, they wouldn't come to the table and did what they could to defeat everything everybody was doing up there.

The other opposition was from Republican members, but I don't remember any true stakeholder opposition. The major stakeholders in Olympia are government—counties and cities and other government units—the business community, the environmental community, and labor—and social services, they could have cared less; it wasn't their issue. Labor certainly wasn't going to oppose it, the Democrats wanted it—I don't remember that labor played a big role in this at all.

The environmentalists wanted it, they were the driving force—the fire that was lit under the House Democrats, at least. And local government and business came to the table figuring that we'd try and make it work for us. So, I don't remember a lot of opposition. The opposition was mostly from Republican members of the Legislature who felt that it was going to interfere with private property rights.

**Diane:** What did the AWB think of the 1991 amendments to the GMA that included creating the growth management hearings boards?

**Enid:** Well, my recollections, on sitting around the table trying to deal with the hearings boards, were that we recognized that there had to be some means for determinations on whether or not local governments had in fact complied with the act. We had to have some enforcement mechanism and some means to make a determination



about that.

We didn't want the state, as such, either CTED or some other state agency, to be able to say, "No, you didn't," or "Yes, you did." Again, we were big advocates of local control and we didn't want that flip-flopped.

We wanted the local governments to have control, and so the growth management hearings boards were a compromise. It was a means to have some place to go if somebody said, "I don't think they complied with the act. The urban growth area is too small," or whatever.

So, we recognized that that was important. And the only major issue, that I recall, that we really didn't like about it, and I think it's been corrected since, is the burden of proof issue and the level of whether it was going to be—I'm not an attorney so I always forget these terms—whether the level of proof was going to be clear and convincing evidence or something else; I don't remember. But those were our two issues. We thought the burden of proof should be on the appellant and not on the local government to prove that they did it correctly, and I think that has been corrected since. But we supported it because we knew there had to be some means and that seemed like a good compromise.

**Diane:** And what did you think about the three boards instead of one?

**Enid:** There again—my recollection is that we preferred three because geographically the issues are just simply different. We didn't feel like the Eastern Washington agricultural community should have to appeal to a board in King County who may or may not understand any of those issues. So, as I recall, we supported at least three. We may have at one time actually wanted more than that, I don't remember now.

## **Tape 1, Side 2**

**Diane:** And what's your most interesting memory of the dynamics of the events leading to the enactment of the GMA?

**Enid:** There are tons.

**Diane:** Oh, give us a couple good ones.

**Enid:** By far the most memorable was the last weekend in the 1991 session because, let's say, Wednesday or Thursday before *sine die* (which was the following Monday or Tuesday), Joe King called and said that he wanted AWB and the Association of Cities and the Association of Counties to negotiate the final draft of the bill, in writing. We reluctantly agreed to do that.

Between myself and Ron Main, who was the lead for the counties, and Kathleen Collins, who was the lead for the cities, we agreed to put together five people from each entity, and they would negotiate every word of the bill. And as we got to sections of the bill where other stakeholders knew more than whoever the five people we had that we put at the table—almost every issue had somebody that knew more whether it was a utility issue or a resort issue or a land use issue—whatever it was, we would bring those people in.

We basically had three caucuses at the table. We had 15 people at the table and we held those meetings at AWB in our conference room, and I was in charge of at least making sure that things got done. We started Friday evening and we met all day Friday until about 3 a.m. We came back at like eight or nine and then again until 3 a.m. We did three full nights—I mean it was nonstop. We had food brought in, and we did nonstop, 36 hours at least, negotiations with very little sleep.

As we agreed to sections of the bill, we had a runner that went to the Code Reviser's Office to get the language drafted. We did that as we agreed to sections of the bill. The cities and the counties and the business community all had to agree before it went to the Code Reviser and, once it was completed, we delivered it to

legislative leaders. And, of course, the problem was that the real sticky-wicket issues generally got left until the end.

The Legislature was anxious to *sine die*, they wanted out of town, they were already in special session, as I recall. They were hammering us to get the bill, and we delivered the final pieces that included a few of the sticky-wicket issues at like 2:30 in the morning.

So without much sleep and for three days in a row in AWB's conference room, we were really writing the bill—I mean we rewrote the draft bill. We started with the draft, but we wrote the bill from their draft and had people coming in constantly.

I remember one of my more interesting stories. I had to wake up a lobbyist who lives in Seattle, who had a piece of the bill that he was interested in, and tell him that if he wanted it right he'd better get out of bed and drive to Olympia. It was 9 o'clock at night and he did. Everybody knew that they were on call that entire weekend because we didn't know when we were going to get to that section of the bill. And then we had to get both the business rep—the stakeholders that had cared about that section—and the local government experts in the room, and we'd stick them in somebody's office and make them negotiate the language; and when they came out with it, then we'd discuss it and we'd send it to the Code Reviser.

It was a major operation and, unfortunately, a couple of the really critical pieces got nixed at the last minute and our champions didn't fight for us and it got left out of the bill. So my next major memory is when the bill was ready to go to the floor and this was probably a Tuesday morning, and the Governor called Ron Main and Kathleen Collins and myself and Dick Ducharme into his conference room. Around the table were all of the leaders of all four caucuses and Booth said, "You can sit right here (knock, knock, knock), right next to me." He said, "Ladies and gentleman, can you support the bill?" And I said, "With all due respect Governor, we cannot support the bill." And he said, "Really." And he looked down at the end of the table at the others and they all said, "She's right."

I explained that we had spent all weekend until three and four in the morning and legislators had left out critical pieces of the bill. So that was a major moment. He said, "Thank you very much." We left and we went out on the front porch of the Leg Building to all talk about what we were going to do and, while we were out there, they passed the bill.

**Diane:** Wow, great story.

**Enid:** Big drama [laughs].

**Diane:** Can you tell me what critical pieces got missed? Do you remember?

**Enid:** Honestly, I don't remember. Ron Main will definitely remember and Linda Hall will remember. Linda, at that time, represented the homebuilders, BIAW (Building Industry Association of Washington), and there were major issues for her. We were concerned that there was no water element in the bill, nothing to deal with water resources. But my recollection is we didn't know what to do with it either. I think we had some language that said they needed to look at it, but I don't remember about that.

**Diane:** Do you have any other stories to share with us?

**Enid:** I think we were extremely disappointed after the 1990 session when we worked really hard to pass the first stages of the Growth Management Act, and the environmental community had said that if we got a start on it and passed it, they would not file an initiative. And then, they did anyway and we had to enter into a huge initiative campaign. Those two years were not the two best years of my lifetime [laughs]. They were not. It

was an extremely high stress two years.

**Diane:** But when you look back, isn't it an interesting part of you career?

**Enid:** Oh, absolutely. It was fun. A lot of it was a lot of fun. And the bonding that took place amongst all of us remains today [laughs]. I remember we were sitting in a conference room and it was like two or three in the morning and we, the business lobby, decided to caucus up to my office. We're sitting there and I don't remember what the issue was—it's irrelevant anyway—and we were gone maybe 15 minutes and said, "Okay, we've figured this out." We went back to the conference room and the local government guys had gone home [laughs]. They'd had it, they just left, "Let's get out of here while they're not looking!" And so, of course, we teased them for the next two days about their lack of stamina. They scooted out as soon as we weren't looking.

**Diane:** Well, in terms of how the GMA is structured, what do you think are the important parts of the law?

**Enid:** Well, the important parts of the law, of course, are where you can build and what you can build. I think the important piece is the urban growth area and what you can do inside and what you can do outside, how it gets moved and changed.

The other important piece, and one which was a huge issue for us, was, How do you pay for growth? How are you going to protect critical areas? What we used to call "cut-outs"—if you look outside the urban growth area, where can you develop and under what circumstances?

I think that the Growth Management Act was basically, How can you use the land? What can you put land to use for? Some things have not come to fruition, not surprising to any of us, such as you're not seeing the housing density that we thought was intended.

You're seeing as much sprawl today, I think, as you did then. I don't think there's a huge change in that. Housing costs have gone way up—a fact most of us predicted.

In the business community we said, "It's just simply a matter of supply and demand." If you shorten the supply of land, then you drive up the costs of housing and then you had impact fees on top of that.

I think the more interesting question to put to somebody, and I'm certainly not the one to put it to is, What good has the GMA done? What positive change has GMA brought about? I think that from the business community, and I'm guessing, you would be hard-pressed to get anybody to give you a positive answer to that. And I'm not sure that in the local government community you would either.

**Diane:** And how about we flip that question and say, well, if there had been no GMA here in 2005, how would it look for the business community now? Particularly with the increase in population, how would you answer that?

**Enid:** I don't know. The business community's major issue right now is transportation. You can't move goods, and that has not been addressed as a result of the GMA, at all. In the builder/developer side of things, their major issue is affordable housing and that certainly hasn't been addressed. If the GMA had not passed, would housing be more affordable? Well, I don't know. I have no clue, but I know that the supply of land probably would have been greater. In the agricultural community, would you have more or less farmlands? I don't know that either. There's a lot of agricultural land now that cannot be converted for other uses. And that's making a lot of farmers really unhappy because a lot of them can't afford to maintain the farm or it's just not profitable anymore, and they can't convert it for other uses. There's just a lot of problems with the GMA. I don't know how things would have been different.

**Diane:** How has the business community's view of growth management shifted over time?



**Enid:** I think from hopeful to negative. And I am sort of guessing this because I don't have—I haven't actually, other than facilitating the GMA working group with some business reps around the table, stakeholders around the table—I haven't been intimately involved with GMA for a long time. But I read stuff that people send out in the mail and so on, and basing my opinion on sort of hearsay and not any direct discussions with any of them.

**Diane:** If another state was facing growth and wanted to adopt a growth management law, what advice would you give them?

**Enid:** Be very, very careful what you wish for [laughter]. And recognize that—well, look at our experience. The cost of GMA to local governments is horrendous, absolutely horrendous. The cost to the business community to site any kind of a project has gone way up because of the GMA. What is it that you are really trying to accomplish? And look at the experiences of states like us and to make sure that adopting a law that requires certain things is really the way to get you there. I would be really cautious.

**Diane:** Do you have any other comments or stories you'd like to share with us?

**Enid:** I don't think so. The GMA still has some flaws and it still needs to be fixed. I received an e-mail just recently that Governor Gregoire's got it on her agenda, and she has some issues that she wants to address and those are all important issues. No law ever stays the same and it will constantly change. And it needs to constantly change and there's still a lot of flaws, so hopefully the Legislature will continue to address them.

**Diane:** Thank you so much.

**Enid:** You bet.